

REMARKS

In the office action, claim 2 was rejected under 35 U.S.C. §112, first paragraph, appropriate revisions to claim 2 have been made. Claims 1 and 2 were also rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,285,662 B1 (Watanabe et al.). Applicant respectfully traverses this rejection based on the following. The Watanabe reference is a different endeavor than the present invention. The contention windows in Watanabe are described in the patent, in particular at column 9, lines 33-45, as being based on a number of available random access channels per frame and the average number of random access channels per frame. The present invention relates to data transferred through a multi-user channel. The contention windows in Watanabe are utilized with multiple random access channels and not a single random access channel. Essentially, the Watanabe references discloses that data for a particular user is based on these contention windows and the contention windows are derived from a number of random access channels that the data will be sent through. In the present invention, multiple data sources are being sent through a multi-user channel. In Watanabe, as previously stated, the contention window is based on a number of available random access channels. In the claims, the size of each data source is changed in response to the backlog of the multi-user channel queue. The contention windows are used to indicate the availability of the channels to the user so that data sent over random access channels to the users can be optimized.

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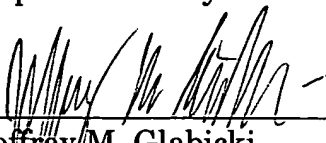
Accordingly, there would be no need for tracking a backlog of the random access channels and adjusting the size of the contention windows in Watanabe because the contention is already controlling the scheduling of data across the multiple random access channels. This distinction is further emphasized in the claims by the data sources including re-routable data and non-re-routable data. These types of data sources are distinguished from the contention windows for a particular user. The types of data sources of the present invention are not associated solely with a particular user but with the type of data itself. Typically, a user would receive multiple data source types such as control, signaling and message data. Accordingly, the claims are further distinguished from Watanabe.

Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

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